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DAWN

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Amnesty calls for urgent review of 27th Amendment

• Rights group says legislation violates international human rights law; was passed by 'contested' parliament
• Says last two constitutional amendments were promulgated 'amid larger concerns regarding attacks on judiciary'

Dawn Report

KARACHI: Describing the 27th Amendment as "a concerted and sustained attack" on the independence of the judiciary, Amnesty International on Tuesday highlighted the need for an urgent review of the legislation.

The 27th Constitutional Amendment, passed by parliament after five days of heated debate, opposition protests, and last-minute revisions, was widely criticised for abolishing judicial independence through the formation of a Federal Constitutional Court (FCC) and introducing changes to the military leadership structure by rewriting Article 243 of the Constitution.

In a statement, the global rights watchdog said the amendment was a "crescendo of a concerted and sustained attack on the independence of the judiciary, right to fair trial and the rule of law in Pakistan".

It called on authorities to conduct an urgent review of the Amendment to "ensure that all its provisions fully comply with Pakistan's international human rights law obligations and commitments".

It also noted the amendment "insulates the president and heads of the naval, armed and air forces from accountability".

"The Pakistani authorities must immediately take all appropriate measures to safeguard the impartiality, independence and safety of judges, ensuring that they can carry out their judicial functions without any inappropriate or unwarranted interference and any restrictions, improper influences, pressures and threats, direct or indirect, from any quarter or for any reason," it said.

According to Amnesty International, the legislation violated "international human rights law, particularly undermining the independence of the judiciary, right to fair trial and justice and accountability".

It urged Pakistani authorities to uphold their international human rights obligations, effectively protect the human rights of everyone in the country, and ensure access to justice and effective remedies for victims, as well as respect the separation of powers and the rule of law.

The watchdog maintained that the 27th Amendment had ensured the FCC establishment, which 'lacks independence, erodes judges' security'. It noted that despite the Amendment's "far-reaching consequences", it was passed through parliament with "no consultation with civil society and opposition parties".

The rights body said the 27th Amendment "further erodes judicial independence," which it maintained had been "already weakened" by the 26th Constitutional Amendment. It noted the 26th Amendment was "passed with similar haste, in less than 24 hours in October 2024".

Concerns about 'attacks on judiciary'

Amnesty noted that the 26th and 27th Amendments were brought "amid larger concerns regarding attacks on the judiciary".

"In the past two years, various judges have raised concerns over interference with the judiciary as well as threats to judges deciding key cases involving the ruling coalition and military," it noted, while recalling an open letter by six judges addressed to the then chief justice Qazi Faez Isa spoke of "intimidation by the military's Inter-Services Intelligence, abduction of family members of judges and surveillance in the judge's private homes as tactics to pressurise them regarding ongoing cases, particularly those related to the former prime minister Imran Khan".

The Amnesty statement also recalled an April 2024 incident, where various judges of the SC and the high courts, received letters containing suspicious powder. In the same month, it added, an online campaign was launched maligning Justice Babar Sattar, one of the judges who had written the open letter, while another signatory to the letter Justice Jahangiri was removed over a case questioning the validity of his law degree.

Opposition benches

Amnesty also took note of the "contested" composition of parliament at the time of the legislation. "This amendment was passed at a time when opposition leaders in both houses had been disqualified after their convictions by anti-terrorism courts for alleged involvement in protests following the arrest of Imran Khan on May 9, 2023."

RAWALPINDI: Aleema Khan and other PTI activists prepare to stage a protest near Adiala jail, while police sprayed water to prevent their sit-in.—Mohammad Asim/White Star

PTI, sisters stage protest after denial of meeting with Imran

Achakzai says the opposition alliance is ready for talks on dissolution of assemblies, protection of political parties

By Mohammad Asghar

RAWALPINDI: As another attempt by Imran Khan's sisters to meet him at Adiala jail remained futile on Tuesday, they along with PTI leaders and supporters staged a protest near the prison.

Police sprayed water at Factory Naka, where an anti-riot fence had been erected to prevent PTI leaders and supporters from moving forward.

However, after waiting for the water to dry, the protesters staged a sit-in at the site.

Later, Mr Khan's three sisters, Aleema Khan, Uzma Khan, and Noreen Khan, along with their supporters, held a sit-in at Factory Naka amid a heavy police presence.

Allama Nasir Abbas Raja and Mehmood Khan Achakzai also reached the protest site later.

The PTI leadership had provided a list of lawyers approved to meet Imran Khan in accordance with the Islamabad High Court's order.

The approved lawyers included Gohar Ali Khan, Salman Akram Raja, Ali Zaman, Waqas Raza Khan, Malik Faraz, and Sophia Noreen. A letter written by Salman Akram Raja was sent to the superintendent of Central Jail Adiala, Abdul Ghafoor Anjum.

Speaking to the media, Mr Achakzai, head of the Tehreek Tahafuz Ayeen-i-Pakistan (TTAP) and chairman of the Pashtoonkhwa Milli Awami Party, said they were not against anyone and wanted a strong army. He added that the army should function in the same manner as armies in other countries.

He stated that those who won were "defeated", while those who lost were "made victorious". If anyone wanted to talk about Feb 8 elections, he said they were ready. The protection of political parties must also be part of such process, he said, adding that any talks should be held in accordance with the Constitution, ensuring the protection of political parties.

Dissolution of assemblies

Mr Achakzai said discussions would include whether the current parliament should be dissolved. Talks would also focus on establishing an interim government, which would appoint an election commissioner, followed by general elections.

He further announced that a protest had been planned for Feb 8, during which workers across Pakistan would raise their voices in their respective areas. Traders, rickshaw pullers, and trade unions would also be involved in the protest.

The TTAP leader said they demanded the reconstruction of a democratic Pakistan.

He questioned why the founder's sisters coming to meet him should be an issue, asking if the sky would fall. He regretted that despite clear court orders permitting meetings with the incarcerated PTI founder, water cannons were still being used.

Balochistan prepares to secure NFC share

By Saleem Shahid

QUETTA: A provincial government meeting on Tuesday reviewed progress on preparations to secure Balochistan's rights at the next meeting of National Finance Commission (NFC).

The meeting, presided over by Balochistan Finance Minister Mir Shoaib Nosherwani, was attended by Member of National Finance Commission for Balochistan, Mahfouz Ali Khan, Additional Secretary for Finance Arif Achakzai, and finance consultants.

Officials of the finance department and financial consultants briefed the provincial minister in detail on the NFC Award, outlining Balochistan's economic needs, expenditures and revenue structure.

The primary objective of the consultations and preparatory work, the meeting was informed, was to formulate an effective strategy to safeguard interests of Balochistan in every sector under the NFC Award, ensure full representation of the province's economic rights and secure its constitutional share.

Speaking on the occasion, Mr Nosherwani said that ensuring the economic and social rights of the people of Balochistan was the provincial government's top priority.

"We will make every possible effort to determine and secure Balochistan's rightful share in the NFC Award," the finance minister said. He said that Balochistan province lagged behind other provinces in almost every sphere of life, making it imperative to ensure equitable resource distribution.

He said the provincial finance department has developed a research-based strategy for the NFC Award, taking into account key factors such as population, backwardness and vast geographical area.

Democratic leadership pushes for compromise, not fight: PM's aide

Rana Sanaullah says PTI's hostile stance towards state endangers Imran's popularity, KP govt stability

ISLAMABAD: Leadership in a democracy requires compromise and engagement, not repeated confrontation that jeopardises governance and political standing, PML-N leader Rana Sanaullah said.

During an appearance on private TV channel on Tuesday, the prime minister's adviser on political affairs noted that PTI founder Imran Khan had so far refused to agree to dialogue and had responded negatively whenever an offer was made.

He said that as a political leader operating in a democratic system, he felt compelled to advise Mr Khan to abandon his years-old entrenched confrontational approach, and opt for dialogue instead.

Mr Sanaullah advised the PTI to abandon its hostile stance towards the state, which was endangering Imran Khan's political influence and the stability of the Khyber Pakhtunkhwa government. He highlighted the PM had repeatedly extended an official offer for talks, which the PTI had failed to take seriously, instead resorted to criticism and negative rhetoric.

Mr Sanaullah called such attitude undemocratic, noting that persistent clashes with the state only invite political danger and weaken public trust in the party. He called on the opposition party to seize the opportunity for dialogue before the harsh stance causes irreparable political harm.

In response to a query, the PML-N stalwart challenged the PTI to go ahead and hold any gathering they wished, stressing that the state was not intimidated.

Once their "street movement" concludes, the PTI should seriously reconsider its stance on dialogue, Mr Sanaullah said, emphasising that confrontation only invites risk and that meaningful engagement remains the democratic and prudent path forward.

Asked about PTI leaders' meetings with Imran Khan, he said the court had laid down a procedure for meetings, which the PTI general secretary had agreed to follow. He said that the party must operate within the constitutional and legal framework, adding that PTI had repeatedly violated these undertakings. He emphasised that jail authorities had the right to restrict any gatherings where the risk of anarchy or disorder existed.—APP

LHC suspends Punjab order cancelling e-bus supply contract

Judge observes action appears without contractual clause or legal authority

By Malik Asad

ISLAMABAD: The Lahore High Court on Tuesday suspended the implementation of a Punjab government letter cancelling a multibillion-rupee contract for the supply of electric buses, observing that the impugned action appeared to have been taken without reference to any contractual provision or enabling legal authority and could cause irreparable loss to the supplier.

Justice Jawad Hassan of the LHC Rawalpindi bench passed the interim order while hearing a writ petition filed by Universal Motors (Pvt) Limited under Article 199 of the Constitution, challenging the vires of the letter dated December 26, 2025, cancelling the contract.

According to the petition, the respondent authority had engaged another government entity to implement an eco-friendly transport project involving the induction of 500 electric buses in different cities of Punjab. In pursuance of the project, a valid and binding contract dated May 5, 2025, was executed with the petitioner for the supply of 100 nine-metre electric buses for a total consideration of Rs4.588 billion.

Counsel for the petitioner submitted that the payment mechanism was clearly defined in the contract and that, in strict compliance with its terms, the petitioner procured an advance payment bond dated Sept 15, 2025, in favour of the respondent, guaranteeing Rs458.85 million, constituting 10 per cent of the total contract price.

He added that after execution of the agreement, the petitioner undertook substantial performance and completed a significant portion of the order to ensure timely delivery.

The petitioner maintained that despite the advanced stage of performance, reports were received indicating the respondents' intention to cancel the contract, which ultimately culminated in the issuance of the impugned letter. It was argued that the cancellation was illegal, arbitrary and violative of settled principles of fairness and natural justice, particularly as it was effected without prior notice, reasons or an opportunity of hearing.

During the hearing, the court questioned the maintainability of the writ petition in a contractual matter. In response, the petitioner's counsel contended that the impugned letter did not refer to any enabling clause of the contract and that while Clause 12.2 provided a mechanism for "termination" subject to specific conditions and safeguards, it did not contemplate outright "cancellation" in the manner adopted by the respondents.

The counsel pointed out that partial payment had already been released on Oct 1, 2025, following completion of a prototype nine-metre electric bus in accordance with contractual specifications on Sept 18.

On the other hand, the assistant attorney general objected to the maintainability of the petition, submitting that the impugned letter had been issued strictly in accordance with the law.

After hearing the parties, Justice Hassan noted that, prima facie, the petitioner had established an arguable case. The judge observed that the impugned letter appeared to have been issued without reference to any contractual provision or legal authority, particularly when the petitioner had furnished an advance payment bond and undertaken substantial performance after receiving payment.

The court directed that if the impugned letter had not been implemented so far, it shall not be acted upon till the next date of hearing. The court issued notices to the respondents for Jan 12, directing the law officer to seek instructions and ensure submission of para-wise comments. The respondent authority was directed to appear in person with the complete record.

FCC questions gap between super tax collection, spending on IDPs

• Rs144bn collected, only Rs37bn spent on displaced persons, judge regrets • AAG says 50pc of funds disbursed through provinces; collection reflects govt's ambition • Counsel questions inland revenue commissioner's authority to file appeals

By Nasir Iqbal

ISLAMABAD: Justice Syed Hassan Azhar Rizvi, a member of the three-judge Federal Constitutional Court (FCC), on Tuesday regretted that while Rs144 billion was collected under the super tax between 2015 and 2020, only Rs37bn was spent on the rehabilitation of internally displaced persons, observing that the disparity frustrated the very purpose of imposing the levy under Section 4B of the Income Tax Ordinance (ITO).

Additional Attorney General (AAG) Chaudhry Aamir Rehman, however, explained that 50 per cent of the super tax collection had been disbursed through the provinces, adding that the overall collection reflected the government's ambition.

Headed by Chief Justice Aminuddin Khan, a three-judge FCC bench was hearing a set of appeals against judgements of the Sindh, Lahore and Islamabad high courts concerning the levy of super tax through Section 4B, inserted into the ITO 2001 via the Finance Act 2015.

The AAG emphasised that the sole purpose of tax collection was social welfare, citing the Benazir Income Support Programme (BISP) as a prime example, under which the federal government was spending around Rs400bn annually on public welfare.

Earlier, the opposing side argued that a tax imposed specifically for rehabilitation purposes related to social welfare, which had been part of the erstwhile Concurrent Legislative List and, after the abolition of the list, social welfare now fell within the legislative competence of the provinces.

The super tax was initially imposed in 2015 through a Money Bill, with the stated purpose of rehabilitating areas affected by the Zarb-i-Azb operation against terrorism. The levy was introduced by the PML-N government as a one-time measure, aimed at rebuilding areas devastated by the military operation. The super tax applies to wealthy individuals, associations of persons and companies earning over Rs500 million. It imposes a tax rate of 4pc on banking companies and 3pc on other sectors to fund the rehabilitation of temporarily displaced persons.

During the hearing, the AAG cited the 1991 Sohail Jute Ltd case, in which the levy of Iqra surcharge and customs duty was challenged.

He argued that the Supreme Court had held that mere nomenclature could not determine the vires of a levy. If, in pith and substance, the levy was a customs duty, it would remain so regardless of being labelled as an Iqra surcharge, he contended.

The opposing side maintained that since the super tax was imposed for the specific purpose of rehabilitating displaced persons, it could not be treated as a general tax and, therefore, did not qualify as a tax.

Senior counsel Makhdoom Ali Khan questioned the authority of the Inland Revenue Commissioner to approach the FCC in a case relating to the super tax.

"When the federal government as well as the Federal Board of Revenue (FBR) were not aggrieved by the judgements of the high courts, how could the Commissioner of Inland Revenue name both as respondents in the case?" he argued.

He further questioned how the commissioner could sue the federal government when it was not an appellant before the FCC despite having enacted the statute in question, remarking that the situation was akin to "the tail wagging the dog".

Mr Khan contended that while passing the law, the legislature had recognised that the commissioner, on its own, did not have the right to file such appeals before the FCC.

Advocate Hafiz Ehsaan Ahmad Khokhar, representing the FBR, argued that taxation was a matter of legislative policy beyond judicial discretion. He said respecting parliamentary supremacy and exercising judicial restraint in fiscal matters were essential to uphold the rule of law and national fiscal sovereignty.

He urged the court to uphold the validity of Section 4C of ITO as a lawful and constitutionally sanctioned levy, consistent with Article 25 and international fiscal practice, and said there was no discrimination as alleged by taxpayers.

He also requested that the high courts' judgements, which he said attempted to dilute or rewrite parliament's express mandate, be set aside, reiterating that taxation was a matter of legislative policy beyond judicial discretion.